

RESPONSE TO REJECTIONS OF RECORD

The objections to the specification have been addressed in the amendments to the specification. Sequence ID Numbers have been added. The insertion of verbiage in the claims has been addressed by amendments to pages 4 and 11. It should be stated, however, that the paragraph bridging pages 3 and 4 would clearly indicate that the protein interacts with antibodies to the Brucella species. The material represented by the insertion at page 11 would be clearly understood by those of ordinary skill in the art, since both the Western blot and the ELISA test require, for a positive test, that antibodies be bound to the antigen of interest.

The examiner has rejected claims 1-6 and 9 under 35 U.S.C. 112, second paragraph. Referring to the grammatical correction, the claim has been amended by replacing "have" with "having". Regarding the rejection regarding whether any sequence of 90 amino acids or more relates to a rearranged sequence or contiguous fragment, and failure to recite the molecular weight as it relates to how the weight was determined, the rejection is traversed. The claims are read in view of the art and usual understanding of those in the art. It is assumed by those in the art that the verbiage of the claim would relate to a contiguous sequence. Accordingly, the claim relates only to a contiguous sequence. Can the examiner please cite an instance where such an interpretation was not the case?

Regarding the method by which the molecular weight is determined, the data is in the application and the sequence is

clearly disclosed. Furthermore, the protein claimed is clearly identified by the recited sequence.

Claims 1-6 has been rejected under 35 U.S.C. 102(a) as anticipated by Debbbarh. The rejection is respectfully traversed. Attached hereto is a Declaration by one of the inventors asserting that the invention was conceived before the publication of Debbbarh. Hence, Debbbarh is not a valid reference against the claimed invention.

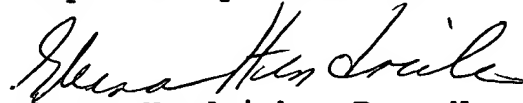
Claims 1-6 have been rejected under 35 U.S.C. 102(b) as anticipated by Riezu-Boj. The rejection is traversed. The examiner's comments are not understood. The instant application teaches that the sera of Riezu-Boj, which reacted with the protein of Riezu-Boj, did not react with the protein of the invention. It is clear, therefore, that the proteins of Riezu-Boj and the instantly claimed invention can not be the same. A Declaration regarding the process (which is standard in the art) will be supplied.

Claims 1, 4 and 9 have been rejected under 35 U.S.C. 103(a) as unpatentable over Riezu-Boj in view of Serikawa, et al. The rejection is respectfully traversed. Since it is clear that Riezu-Boj identified a different protein and Debbbarh is not an effective reference, the rejection will not stand, for reasons given above. The entire basis for the invention is the protein as claimed. A Declaration by the first-named inventor regarding such testing.

It is believed the claims are now in condition for allowance. If discussion would facilitate prosecution of this appli-

cation, the Examiner is invited to contact the Applicant's representative at (703) 425-8405.

Respectfully submitted;

A handwritten signature in cursive script, appearing to read "Glenna Hendricks".

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